

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VERIDIAN CREDIT UNION, on behalf of
itself and a class of similarly situated financial
institutions,

Plaintiff,

v.

EDDIE BAUER LLC,

Defendant.

NO. 2:17-cv-00356 (JLR)

and Order,
STIPULATED MOTION TO ALTER
CLASS CERTIFICATION SCHEDULE

NOTE ON MOTION CALENDAR:
October 16, 2017

Pursuant to LCR 7(d)(1), Plaintiff Veridian Credit Union ("Veridian") and Defendant Eddie Bauer LLC ("Eddie Bauer"), respectfully move this Honorable Court to alter the class certification schedule.

Pursuant to the Court's July 31, 2017 Amended Scheduling Order Regarding Class Certification (ECF No. 58), discovery is to be completed by October 30, 2017 and Veridian is required to file its motion for class certification by November 30, 2017.

On August 24, 2017, the parties submitted a Stipulation and Proposed Order regarding discovery of electronically stored information (ECF No. 62), which the Court signed on August 25, 2017 (ECF No. 63).

The parties have worked cooperatively to complete ESI discovery and meet the deadlines set by the Amended Scheduling Order. Eddie Bauer made an initial production of documents consisting of the PCI Attestation of Compliance for Onsite Assessments- Merchants; the PCI

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1 Report on Compliance for Eddie Bauer; and the Final PFI Report by Verizon Risk Team. Eddie
2 Bauer's counsel has represented that in addition to these documents, it has searched for
3 documents responsive to Plaintiff's First Requests for Production of Documents and has
4 identified approximately 250,000 documents potentially relevant documents from a universe of
5 approximately 1.25 million documents. The process to review and produce documents has been
6 ongoing for the past month and Eddie Bauer estimates that it will begin producing these
7 documents immediately and will continue such production of a rolling basis with productions of
8 approximately 2,200 documents made each week from a population of responsive documents of
9 about 6,500, the difference being responsive but privileged documents. Based on counsel for
10 Eddie Bauer's estimation, if the analytic solutions recently developed are as effective as
11 sampling suggests they will be, the production of responsive documents should be complete by
12 early November. If the analytic solutions are not as effective as anticipated, production will
13 continue until the latter part of November.

14 The parties further understand that Plaintiff will seek certain depositions once it has
15 reviewed the documents and believe that such depositions can take place in January and
16 February.

17 To this end, Eddie Bauer agreed to provide Veridian a Declaration regarding Eddie
18 Bauer's ESI efforts by Monday, October 9, 2017.

19 Unfortunately, wildfires in Northern California have delayed Eddie Bauer's ability to
20 meet the current schedule by threatening Eddie Bauer's eDiscovery liaison, who resides in the
21 wildfires' voluntary evacuation zone and near several large active fires, including the Tubbs
22 Fire.

23 The parties agree that based on the time needed to identify, review and produce
24 responsive documents and to take necessary depositions, the deadlines to complete discovery
25 and to move for class certification should be extended.

Therefore, the parties, having conferred on these dates, jointly move the Court to reset the following deadlines:

- Discovery relating to Plaintiff's class certification motion to be completed by February 27, 2017; and
- Plaintiff's Motion for class certification due by April 25, 2018.

The parties request a telephone conference to discuss their request for an extension.

DATED this 16th day of October, 2017.

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1 *Attorneys for Plaintiff Veridian Credit*
2 *Union*

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4 IT IS SO ORDERED

5 Dated this 17th day of October, 2017.
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8 James L. Robart
9 UNITED STATES DISTRICT JUDGE
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